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Re: Mazaya Trading Co. SARL v. VCS Group LLC, 11 Civ 3195
 (WHP)

August 30, 2011

Dear Judge Pauley:

I have recently been engaged as counsel for the defendant herein and I write with regard to Your Honor's Order For Initial Pretrial Conference filed on June 7, 2011, which sets the Initial Pretrial Conference in this matter for September 16, 2011 at 12:45 P.M.

Although the docket sheet reflects the filing of the initial complaint in this action on May 11, 2011, that complaint was never served on my client. Instead, an amended complaint was filed on August 22, 2011 and was served on my client in Greenwich, CT on August 23, 2011 together with the Summons issued on March 11, 2011. I was retained the next day.

I have today communicated with counsel for plaintiff herein and they have very courteously agreed to extend defendant's time to respond to the amended complaint by a period of 30 days, which now makes our response due on October 7, 2011. I note that Rule 2(B) of Your Honor's Individual Practice Rules states that the Court will schedule an Initial Pretrial Conference within three months of the filing of the complaint. Under the circumstances set forth herein, I respectfully request that the Court consider utilizing the date of the filing of the amended complaint as the trigger for that process, which would put the pre-trial conference somewhere in late November, 2011. This will give the parties an ample opportunity meet and confer to discuss the various things set forth in your Order For Initial Pretrial Conference including, without limitation, the possibility of settlement, contemplated motions, stipulating facts, narrowing issues, fixing the discovery schedule, and setting a date for trial, as well as preparing the mandatory written report to the Court to be filed seven days before the conference. While I am sure plaintiff's counsel are fully prepared for these tasks at the present time, I am not because, as noted above, I have just been retained and have yet to immerse myself in the facts underlying this case.

Application granted. The initial pretrial conference is adjourned until December 2, 2011 at 10:30 a.m.

SO ORDERED:

William H. Pauley III
 WILLIAM H. PAULEY III U.S.D.J.

9/6/11

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Accordingly, I respectfully request that the date of the Initial Pretrial Conference be adjourned as set forth above. Pursuant to Rule 1(E) of Your Honor's rules, I recite the following:

1. The original date set by the Court for the Initial Pretrial Conference is September 16, 2011
2. The reason for the request is, as set forth above, that defense counsel has just been retained promptly upon defendant first being served and needs to familiarize himself with the underlying facts
3. There has been no prior request for any similar relief
4. Counsel for plaintiff graciously consents
5. The requested adjournment will not affect any other scheduled date, and thus there is no need for a proposed Revised Scheduling Order to be attached hereto
6. This request is being made so as to be received in Chambers not less than two business days before the scheduled time (*viz.*, September 16, 2011).

Respectfully submitted



Thomas J. Kavalier

Honorable William H. Pauley, III
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street - Room 2210
New York, New York 10007

cc: Peter R. Porcino, Esq.
Eric J. Shimanoff, Esq.